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Jul. 12, 2010
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SUMMERLIN COSTCO STORE: Slaying of Army veteran shocks friends

Man shot by police was West Point grad

By [LAWRENCE MOWER](#)
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The man shot by police outside a Summerlin Costco store on Saturday was a graduate of the U.S. Military Academy at West Point with a master's degree from Duke University, friends said.

Army veteran Erik Scott, 39, was at the store near Charleston Boulevard and the Las Vegas Beltway with his girlfriend before three officers fatally shot him in a confrontation.

Friends and an attorney speaking on behalf of Scott's relatives, described him as a good man from a military family. His father was in the Air Force, and his grandfather fought in World War II, friend Mike Pusateri said.

"The most loyal, honest, trustworthy, salt-of-the-earth guy you could meet," said Pusateri, 38. "You only meet one or two of those kinds of guys in your life, and Erik is one of them."

Scott worked for Boston Scientific, a medical devices manufacturer, as a sales representative for the company's pacemakers. Attorney Ross Goodman, who represents Scott's family, said Scott was one of the company's top sales employees.

Pusateri and Goodman said Scott and his girlfriend were at the Costco because they were moving in together and wanted to buy the things they needed. The two men declined to discuss the events that led to the shooting.

According to Las Vegas police, officers were called to 801 S. Pavilion Center Drive at 12:47 p.m. by a store worker who said a man was destroying merchandise. Police were told the man had a gun.

Capt. Patrick Neville described Scott as "kind of going berserk." Workers evacuated the store. Officers stopped Scott outside as the customers were leaving.

Neville said an officer tapped the man on the shoulder and identified himself as police. Scott then spun around and reached for a gun, law enforcement officials said.

"They ordered him to the ground," Neville said of the officers on Saturday. "He does not comply with that order. He reaches for the weapon, pulls the weapon out, at which time, the weapon was out of the waistband."

Three officers fired multiple times, killing Scott.

One witness interviewed Saturday and three others interviewed Sunday by the Review-Journal

gave accounts that differed from what police described.

With a few minor variations, the witnesses recounted matching sequences of events. The witnesses interviewed did not see what happened inside the store that prompted workers to call police. Three of the witnesses, upset by the event, asked that their names not be published.

Once Scott was outside, none of the witnesses saw him brandish a weapon or make any movement that would seem like he was brandishing a weapon.

The first witness already had made his purchases and was waiting in line for a worker to check his receipt when he saw an officer enter the store. The officer whispered something to the worker checking the receipts. The first witness then heard that employee turn to another employee and say, "He said we should let him through."

The four witnesses described a calm rush of customers exiting the front of the store after Costco workers told everyone to leave.

Attorney David Amesbury said he arrived in time to see shoppers leaving. He described the customer exodus as being "like the aftermath of Disneyland."

A customer told Amesbury that he couldn't go in, so the attorney waited on a bench west of the entrance. He said he had a clear view of two officers standing beside the entrance with their guns drawn.

All four witnesses said they were within 20 feet of the store's main entrance. They said Scott walked out of the entrance with the crowd.

They described an officer shouting at Scott, then a quick succession of gunshots.

The witnesses differed in their recollection of what one of the officers said.

Amesbury heard, "I told you to stop. Stop."

Two witnesses interviewed Sunday heard, "Drop it."

A fourth witness, interviewed Saturday, heard, "Get down," "Put it down," or "Get out of the way."

A second anonymous witness said Sunday he saw Scott pull up his shirt and turn toward the shouting officer. Then he saw the man get shot, drop to his knees and fall face-first in front of the entrance.

"There wasn't even time for someone to react," the second witness said. "The guy didn't pull a gun. There was no gun in his hand, there was no gun on the ground."

The second witness said he was interviewed by homicide detectives and gave them the same account.

The first anonymous witness also didn't see Scott make a threat.

"I certainly did not see the guy do anything with a gun that would threaten anybody," the first witness said Sunday. "It appeared to me that if he had guns on him, that they were literally in his pocket or in his waist."

The first witness also was interviewed by homicide detectives about the shooting.

Amesbury said he did not see the man get shot, but, "When I go around the corner, I see this guy laid out. I didn't see a gun." Amesbury's view of the shooting was blocked by stone pillars. He was not interviewed by police.

Before the shooting, Scott was walking with a woman that three witnesses thought was his girlfriend. They said she became distraught after the shooting. The incident also left the witnesses shaken.

It's just incredible "with all these people around that Metro would provoke something there," the second witness said. "I don't want to second-guess the police, but wouldn't it have been better to confront him out at his car?"

After the shooting, some people in the crowd panicked. An elderly woman was knocked down and cut her elbow in the chaos, the second witness said.

Only Scott was struck by gunfire .

Police said Scott had two handguns on him when he was shot. Goodman said Scott had a concealed-weapons permit.

Pusateri said his friend was a "safety freak" around guns. He said that "absolutely not in a million years" would Scott be careless with them around others.

Scott graduated from West Point, in New York, in 1994 and was stationed for a time at Fort Hood, Texas, as a tank platoon leader. In 2003, he graduated from Duke University in North Carolina with a master's degree in business administration.

Friends said they noticed nothing strange about Scott in the days before the shooting.

On Friday, Scott's vehicle was struck by another vehicle while he was rushing a pacemaker to Summerlin Hospital Medical Center, Pusateri said. Scott was not injured in the collision, and a firefighter took the device from the crash scene to the hospital, he said.

Friends were distraught and puzzled as to why police shot and killed Scott.

"He's a stand-up guy in the community," Goodman said. "This guy is not somebody to put himself in a situation like that."

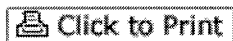
Pusateri, who also sells medical devices, said Scott worked closely with patients in his job. He called Scott's job the "pinnacle" of the business.

"It's very, very sad," Pusateri said. "I'm shocked by it. It's the tragic loss of a great man."

Contact reporter Lawrence Mower at lmower@reviewjournal.com or 702-383-0440.

Find this article at:

<http://www.lvrj.com/news/slaying-of-army-veteran-shocks-friends-98223884.html>



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EXHIBIT 2

EXHIBIT 2

Advanced search

las vega shooting of WP grad

Forum rules

Post news stories with the state and original headline. Example: "MN: *Something Close To Original Headline*"
Write comments

12 posts • Page 1 of 1

las vega shooting of WP grad (#p167541)

by tweener on Tue Jul 13, 2010 9:53 pm

Saw this one on another forum.....

VERY VERY interesting.....

<http://www.lvrj.com/news/man-did-not-pull-gun-on-police-at-costco--lawyer-says-98279344.html>
(<http://www.lvrj.com/news/man-did-not-pull-gun-on-police-at-costco--lawyer-says-98279344.html>)

Jul. 10, 2010
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Armed man shot, killed by police outside Costco in Summerlin

Las Vegas police said officers shot and killed a man who pulled out a handgun at the Costco in Summerlin on Saturday afternoon.

Capt. Patrick Neville said police received a call from Costco at 12:47 p.m. of a man inside the store destroying merchandise. Neville said police were later told the man had a gun.

Neville described the man's behavior inside the store as "kind of going berserk."

The Costco is located at the Canyon Pointe shopping center at 801 S. Pavilion Center Drive, near Red Rock Resort.

Neville said police arrived as customers were exiting the store because Costco management ordered an evacuation. One person pointed police to the man in question.

Neville said an officer then tapped the individual on the shoulder and announced himself as an officer, and the suspect spun around and reached for a gun.

"They ordered him to the ground," Neville said of officers. "He does not comply with that order. He reaches for the weapon, pulls the weapon out, at which time, the weapon was out of the waistband."

Neville said three officers fired at the suspect, striking him numerous times. The shooting occurred just outside the front entrance of the store. At least 20 people were in the vicinity of the shooting, Neville said.

The suspect was taken to University Medical Center where he was pronounced dead. Neville said the man

also had a second weapon on his person, which was discovered when he was transported to the hospital.

Neville described the weapons as semi-automatic handguns. Police didn't say whether the man had a concealed weapon's permit.

Authorities did not release the name of the deceased individual, but police described him as a white man in his 30s or 40s, who stood 6 foot 1 and weighed 190 pounds.

The identities of the officers who fired their weapons will be released 48 hours after the shooting, per department policy. The officers were placed on paid administrative leave.

A Clark County coroner's inquest will be convened to determine whether the officers' actions were justified, excusable or criminal.

A man, who asked not to be identified, said he saw the shooting. Just as he exited the store, he saw a police officer next to him on his right with his gun drawn who yelled something which could have been "get down," "put it down" or "get out of the way," the witness said.

He said he turned to see what the officer was looking at and heard four shots fired. The man said he assumed the man was struck several times in his back. As the suspect fell to the ground because of the gunshots, he raised his arms.

The witness did not see a gun, he said, but Costco employees later told him the man was armed.

The witness said as gunshots were ringing out, Costco patrons were dropping to the ground for protection. The man said he must have "jumped 10 feet" when the shots were fired.

The man said the shooting left him stunned.

"I've never seen anything like that in my life," he said. "I'm totally shocked. This is a great neighborhood. This is a great place to shop."

Last edited by [tweener](#) ([./memberlist.php?mode=viewprofile&u=2680](#)) on Tue Jul 13, 2010 10:11 pm, edited 2 times in total.
Top

Re: las vega shooting of WP grad (#p167543)

by [tweener](#) on Tue Jul 13, 2010 9:54 pm

<http://www.lvrj.com/news/laying-of-army-veteran-shocks-friends-98223884.html>
(<http://www.lvrj.com/news/laying-of-army-veteran-shocks-friends-98223884.html>)

Jul. 12, 2010

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Re: las vega shooting of WP grad (#p167544)

by [tweener](#) on Tue Jul 13, 2010 9:54 pm

Jul. 12, 2010

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Witnesses recall gun in police shooting at Costco

Pair corroborate elements of official account of man's death

Shoppers on Monday haul their purchases to the parking lot of the Summerlin Costco, 801 S. Pavilion Center Drive, where 39-year-old Erik Scott was shot and killed by police on Saturday. A security camera, upper right, is positioned to capture events at the store's exit.

Erik Scott, who was described by Las Vegas police as "kind of going berserk" before he was fatally shot by officers in front of a Costco store on Saturday, did not appear out of control to one witness who saw the man interacting with store employees.

In a news release issued Monday, police said Scott, 39, was "acting erratically" and "damaging merchandise" while inside the store in Summerlin. He also was seen with a pistol on him, police said. Police were called to the store about the incident, which ended with Scott's death. Shots were fired by three officers, including one who was involved in a fatal shooting in 2006.

But a witness the Review-Journal interviewed Monday, a 72-year-old man who spoke on the condition that his name not be used, said Scott did not appear to be doing anything nefarious.

Scott was crouched down with a backpack in front of him in a sporting goods aisle, the witness said. Scott had taken a large package of sport drink bottles off the shelf and placed it on the floor in front of him. He

had torn open the package to get at the contents and was placing the bottles in and out of the backpack.

"It was like he was trying it out," the man said. "I think possibly he was trying to see if it would fit in his backpack."

A Costco employee confronted Scott in the aisle, and the witness said Scott's voice was "elevated." He couldn't hear what was being said. The witness did not see a gun on Scott.

But when the witness walked by Scott, he heard him say to the employee, "Well, I can do that in Texas."

"After we walked down the aisle, my wife said, 'That's a funny thing for him to say,' and I agreed," the witness said.

In retrospect, the 72-year-old man said he believed Scott's comment about Texas was a reference to being allowed to carry a concealed handgun.

When the couple rounded the corner of the aisle, they saw a second Costco employee who appeared to be talking on a Bluetooth headset while observing Scott and the other employee.

Roughly five minutes later, the man said, he heard an announcement on the store's intercom asking everyone to leave the building.

Scott was shot while following the crowd out of the store.

Several witnesses interviewed by the Review-Journal have said they did not see a gun and did not see Scott reach for a gun when police confronted him outside the store.

But the 72-year-old man, in addition to another witness reached Monday, said they did see the weapon and did see Scott reach for it.

Police have said that Scott drew a pistol and pointed it at officers after they ordered him to raise his hands and lie on the ground. Both witnesses gave their accounts to homicide investigators, they said.

The 72-year-old man heard police say, "Get on the ground. Get on the ground." He saw Scott facing the officers, who were between Scott and the store entrance.

The man said he saw Scott reach with his right hand and pull out what appeared to be a gun in a zippered holster. He recognized the holster, he said, because he has one like it. Officers then fired, and the man saw the gun fall out of Scott's hand. The witness did not see Scott point the gun at officers.

"I feel sorry for the guy, but he just made a dumb move," the 72-year-old man said.

The second witness, who also spoke on the condition that his name not be used, was standing near the entrance when he said he heard police shout, "Get down on the ground. Get down now."

He turned to see why police were yelling, he said, and saw Scott reaching for what appeared to be a pistol in his waistband. The witness said he recognized the butt of the gun and immediately turned toward his wife and covered her as they dove to the ground.

"He was definitely reaching for the gun," the man said.

The witness turned away before he could see whether Scott fully removed the weapon from his waistband

and didn't see the shooting. He said it did not appear that Scott was trying to "quick-draw" the weapon on the officers.

He heard gunshots soon after. The witness said he has been struggling with how the incident unfolded.

"It's so totally bizarre to me" that the man would grab the weapon in front of the officers, the witness said.

He added that he doesn't believe the man deserved to die for his actions, as he has heard other people say. But he said he does believe the officers were justified in their response.

However, he disputes whether police should have confronted Scott in a dense crowd. Nobody else was injured during the incident.

The Costco store, at 801 S. Pavilion Center Circle, has video surveillance cameras. It wasn't clear whether the cameras captured the event. Calls to Costco's corporate spokesman were not returned Monday.

Clark County Sheriff Doug Gillespie said Monday that investigators have been trying to obtain the video: "We have not recovered any video at this point."

He said he couldn't comment on the case because it is under investigation and will be the subject of a Clark County coroner's inquest. A date for the inquest has not yet been scheduled.

Three officers have been placed on routine paid administrative leave pending the outcomes of the investigation and inquest. They are 38-year-old William Mosher, a five-year veteran of the department; 28-year-old Joshua Stark, a two-year veteran; and 23-year-old Thomas Mendiola, also a two-year veteran.

Saturday's shooting was not the first for Mosher, who in April 2006 was one of two officers who shot and killed a suspect in a car.

At a coroner's inquest, officers Mosher and John Jessie Wiggins testified they feared for Wiggins' life when they opened fire on Aaron Jones at the Sunset Breeze apartments in the southwest valley. Both officers fired after Jones, a suspect in a home burglary, backed up his car and hit Wiggins in an attempt to escape.

Police said Scott, a 1994 graduate of the U.S. Military Academy at West Point who earned a master's degree from North Carolina's Duke University, was carrying two guns. They said that he pointed one at officers and that a second one was found by medical personnel transporting Scott to University Medical Center.

Attorney Ross Goodman, who is representing the family, said he does not dispute that Scott was carrying a weapon. But he said he has received numerous calls and e-mails from witnesses who claim that they did not see Scott pull out a gun in front of officers.

Scott's girlfriend was present during the shooting. Friends said the two were buying items for when she was to move in with him. She has declined to comment through Goodman, who has described the family as "distracted" over what happened.

Scott has lived in Las Vegas for more than a decade, according to his friends. He was a sales representative for Boston Scientific, a medical devices manufacturer. He sold pacemakers for the company.

Top

Re: las vega shooting of WP grad (#p167545)

by tweener on Tue Jul 13, 2010 9:56 pm

Statement from a Gun Owner Who lives in Vegas:

"I have lots of cops friends and the story I'm hearing so far is.

The lady that placed the 911 call lied about how the guy was going crazy in Costco. He was not at all from what other witnesses are stating. When the cops showed up. The one LEO that was already in the building, ordered the guy to disarm. While in that process of following the order and self disarming. Two other LEO's showed up seeing the guy "draw" his weapon and both of those opened fire on the guy. Really messed up situation.

I hope the lady that placed the call goes to jail!!!

I live a few blocks away from this store too. Carry in there all the time."

Top

Re: las vega shooting of WP grad (#p167551)

by tweener on Tue Jul 13, 2010 10:10 pm

This will be a very interesting case to watch....

I am sure we may never REALLY know what happened, but it the rumors the guy from vegas is hearing is true.....there might need to be some healthy disscusion on standard procedure for disarming someone.

Top

Re: las vega shooting of WP grad (#p167567)

by FJ540 on Wed Jul 14, 2010 12:28 am

This is tragic.

Top

Re: las vega shooting of WP grad (#p167573)

by nyffman on Wed Jul 14, 2010 3:26 am

It sounds like there are lots of blanks that need to be filled in. But this one got my attention. According to Las Vegas police, officers were called to 801 S. Pavilion Center Drive at 12:47 p.m. by a store worker who said a man was destroying merchandise. Police were told the man had a gun. It's difficult to say from the eyewitness reports in the articles, if he was carrying openly or poorly concealed, but, either way, this accentuates a possible negative outcome with open carry.

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Re: las vega shooting of WP grad (#p167608)

by Joecool on Wed Jul 14, 2010 7:11 am

I go to the St. Louis Park costco. Anyone notice they have a sign that they ban guns. It is way obscured far away in the corner even past the liqor store.

Just wondering if it is just that costco that bans guns (even though not properly marked) or all of them.

Top

Re: las vega shooting of WP grad (#p167726)

by Erik_Pakieser on Wed Jul 14, 2010 12:42 pm

Not sure what the truth in this story is, but I advise my students NEVER to draw their gun from the holster in the presence of a police officer. Get your hands where the officer can see them and have the officer take the gun from you.

Top

Re: las vega shooting of WP grad (#p167804)

by justaguy on Wed Jul 14, 2010 4:19 pm

I think we need to take Deaners approach to this situation.

Top

Re: las vega shooting of WP grad (#p167879)

by tweener on Wed Jul 14, 2010 11:28 pm

Jul. 14, 2010

Copyright © Las Vegas Review-Journal

A 911 call made by a Summerlin Costco employee captures police shouting orders to 39-year-old Erik Scott before the U.S. Military Academy graduate was shot and killed, according to Las Vegas police.

Capt. Patrick Neville said an employee was talking to dispatchers and was close enough to the scene on Saturday that a recording of the conversation caught an officer clearly yelling, "Get on the ground."

Police have refused to release the recording. Investigators hope to review store surveillance video, but Neville said he didn't know whether any video of the shooting existed.

The Saturday shooting at the store near Charleston Boulevard and the Las Vegas Beltway took place after employees ordered an evacuation. As customers streamed out of the store, officers waited with their guns drawn for Scott to exit. Police said that when three officers confronted him, Scott refused orders and instead withdrew a handgun and pointed it at them.

Dozens of people witnessed the event, and many disagree on whether Scott pulled a gun and aimed it at officers, as police have alleged. The Review-Journal has interviewed six witnesses. Two claim to have seen Scott pull out a gun, and one of the two said it was in a holster.

Investigators have interviewed more than 40 witnesses, including more than a dozen who said they saw Scott with the gun in his hand and out of his waistband, Neville said.

Witnesses have also disagreed on what they heard police order Scott to do. Some heard, "Get on the ground," while others heard "Drop it," or "Get down."

Such wide discrepancies in witness reports are not unusual, experts say. They also arise in officer-involved shootings in Southern Nevada. Numerous witnesses in the controversial 2008 shooting of ice cream truck driver Deshira Selimaj by a Henderson police officer reported that the woman did not have a knife. Police said the woman was wielding a knife, prompting officer Luke Morrison to fatally shoot her. The knife recovered from Selimaj was used as evidence in a Clark County's coroner's inquest on the shooting.

Paul Michel, an optometrist, former police officer and expert on eyewitness accounts, said eyewitnesses are "notoriously unreliable."

"Unless someone happens to be staring right at a gun in somebody's hand, it would be difficult to impossible to differentiate it from a cell phone or a camera or an empty hand," said Michel, who is based in Denver.

He said people are too trusting of their peripheral vision.

"The frailties of our vision are not perceived by us," Michel said.

He suggested people try a simple test: focus on a picture on a wall from about eight feet away; then divert your eyes about five feet away from the picture and try to use your peripheral vision to make out what is in the picture. People have difficulty making out any detail in the picture, he said.

Police officers also have the same problem, Michel said. Officers are trained to look for threats, and in particular, a suspect's hands. And when an officer focuses on a threat, such as a weapon in someone's hands, they tend to lose all perception of anything around them, including other bystanders.

Roy Malpass, a professor of psychology who runs the Eyewitness Identification Research Laboratory at the University of Texas, El Paso, said memory can also be influenced by the moments immediately after a traumatic event. A person shouting, "He didn't have a gun" seconds after the incident could subconsciously affect how another witness remembers the event.

"If you get to people and ask them not very long after an event like that, you'll find that things will creep into their memory that aren't memories," Malpass said.

He added that evidence shows that officers are usually better witnesses at crime scenes because they're trained to know what to look for, similar to how lifeguards are trained to look for signs of someone drowning. But Malpass said that when the officers themselves are involved in the traumatic event, they are shown to be no more reliable than anyone else.

Neville on Monday also addressed the incident which prompted Costco to call police. He said the incident started when a customer reported seeing Scott opening boxes and removing water bottles, putting some in his cart and some on the floor.

During a heated discussion with Scott, a security worker confronting him over the opened boxes noticed Scott's gun in his waistband, Neville said.

Some time passed before a Costco employee called police to report a man with a gun who was acting erratically in the store, he said.

"He was doing something out of the norm," he said.

A witness the Review-Journal spoke to on Monday said he observed Scott opening the package in the aisle. He described Scott's voice while discussing the situation with a Costco employee as "elevated."

A corporate spokesman for Costco has not returned repeated requests for comment.

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Re: las vega shooting of WP grad (#p173808)

by tweener on Mon Aug 09, 2010 12:00 am

radio recording of incident....

Starts at 6 minutes something.....seems edited at about 12:30-13:30....stuff piled together...

<http://www.8newsnow.com/Global/story.asp?S=12912995> (<http://www.8newsnow.com/Global/story.asp?S=12912995>)

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EXHIBIT 3

EXHIBIT 3

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LV officer at Costco recorded in 911 call

Official says police shout at victim: 'Get on the ground'

By LAWRENCE MOWER
AND BRIAN HAYNES
LAS VEGAS REVIEW-JOURNAL

A 911 call made by a Summerlin Costco employee captures police shouting orders to 39-year-old Erik Scott before the U.S. Military Academy graduate was shot and killed, according to Las Vegas police.

Capt. Patrick Neville said an employee was talking to dispatchers and was close enough to the scene on Saturday that a recording of the conversation caught an officer clearly yelling, "Get on the ground."

Police have refused to release the recording. Investigators hope to review store surveillance video, but Neville said he didn't know whether any video of the shooting existed.

The Saturday shooting at the store near Charleston Boulevard and the Las Vegas Beltway took place after employees ordered an evacuation. As customers streamed out of the store, officers waited with their guns drawn for Scott to exit. Police said that when three officers confronted him, Scott refused orders and instead withdrew a handgun and pointed it at them.

Dozens of people witnessed the event, and many disagree on whether Scott pulled a gun and aimed it at officers, as police have alleged. The Review-Journal has interviewed six witnesses. Two claim to have seen Scott pull out a gun, and one of the two said it was in a holster.

Investigators have interviewed more than 40 witnesses, including more than a dozen who said they saw Scott with the gun in his hand and out of his waistband, Neville said.

Witnesses have also disagreed on what they heard police order Scott to do. Some heard, "Get on the ground," while others heard "Drop it," or "Get down."

Such wide discrepancies in witness reports are not unusual, experts say. They also arise in officer-involved shootings in Southern Nevada. Numerous witnesses in the controversial 2008 shooting of ice cream truck driver Deshira Selimaj by a Henderson police officer reported that the woman did not have a knife. Police said the woman was wielding a knife, prompting officer Luke Morrison to fatally shoot her. The knife recovered from Selimaj was used as evidence in a Clark County's coroner's inquest on the shooting.

Paul Michel, an optometrist, former police officer and expert on eyewitness accounts, said eyewitnesses are "notoriously unreliable."

"Unless someone happens to be staring right at a gun in somebody's hand, it would be difficult to impossible to differentiate it from a cell phone or a camera or an empty hand," said Michel, who is based in Denver.

He said people are too trusting of their peripheral vision.

"The frailties of our vision are not perceived by us," Michel said.

He suggested people try a simple test: focus on a picture on a wall from about eight feet away; then divert your eyes about five feet away from the picture and try to use your peripheral vision to make out what is in the picture. People have difficulty making out any detail in the picture, he said.

Police officers also have the same problem, Michel said. Officers are trained to look for threats, and in particular, a suspect's hands. And when an officer focuses on a threat, such as a weapon in someone's hands, they tend to lose all perception of anything around them, including other bystanders.

Roy Malpass, a professor of psychology who runs the Eyewitness Identification Research Laboratory at the University of Texas, El Paso, said memory can also be influenced by the moments immediately after a traumatic event. A person shouting, "He didn't have a gun" seconds after the incident could subconsciously affect how another witness remembers the event.

"If you get to people and ask them not very long after an event like that, you'll find that things will creep into their memory that aren't memories," Malpass said.

He added that evidence shows that officers are usually better witnesses at crime scenes because they're trained to know what to look for, similar to how lifeguards are trained to look for signs of someone drowning. But Malpass said that when the officers themselves are involved in the traumatic event, they are shown to be no more reliable than anyone else.

Neville on Monday also addressed the incident which prompted Costco to call police. He said the incident started when a customer reported seeing Scott opening boxes and removing water bottles, putting some in his cart and some on the floor.

During a heated discussion with Scott, a security worker confronting him over the opened boxes noticed Scott's gun in his waistband, Neville said.

Some time passed before a Costco employee called police to report a man with a gun who was acting erratically in the store, he said.

"He was doing something out of the norm," he said.

A witness the Review-Journal spoke to on Monday said he observed Scott opening the package in the aisle. He described Scott's voice while discussing the situation with a Costco employee as "elevated."

A corporate spokesman for Costco has not returned repeated requests for comment.

Contact reporter Lawrence Mower at lmower@reviewjournal.com or 702-383-0440. Contact reporter Brian Haynes at bhaynes@reviewjournal.com or 702-383-0281.

Find this article at:

<http://www.lvrj.com/news/lv-officer-at-costco-recorded-in-911-call-98397599.html>

☐ Check the box to include the list of links referenced in the article.

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EXHIBIT 4

EXHIBIT 4

-APPLICATION-

Title

Title of Work: Slaying of Army veteran shocks friends. Man shot by police was West Point grad.

Completion/Publication

Year of Completion: 2010

Date of 1st Publication: July 12, 2010

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Author

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Transfer Statement: By written agreement

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Registration #:

Service Request #: 1-484454258

Application Date: 09-09-2010 21:14:24

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EXHIBIT 5

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-APPLICATION-

Title

Title of Work: LV officer at Costco recorded in 911 call. Officials says police shout at victim: 'Get on the ground'.

Completion/Publication

Year of Completion: 2010

Date of 1st Publication: July 14, 2010

Nation of 1st Publication: United States

Author

■ **Author:** Stephens Media LLC

Author Created: text

Work made for hire: Yes

Citizen of: United States

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Date: September 21, 2010

Applicant's Tracking Number: 0002099

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Service Request #: 1-490417798

Application Date: 09-21-2010 17:44:01

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